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Pilot Counties Selected For New Case Management System

The Indiana Supreme Court has selected seven counties to play a leading role in the installation of its statewide computerized case management system, Associate Justice Frank Sullivan Jr. announced in late September.

“We are extremely pleased that Clay, Huntington, Marion, and Morgan Counties have enthusiastically accepted leadership roles in this important project to serve as test and pilot counties for the new case management system, and that White, Johnson, and Knox Counties will be the first alternate test and pilot counties,” said Justice Sullivan, chair of the Court’s Judicial Technology and Automation Committee (JTAC).

The case management system will provide to all Indiana courts and court clerks a modern computer system which will enable them to process and manage the almost 1.9 million cases filed in Indiana courts each year. The new system will allow courts to exchange information with each other and with state agencies such as the Bureau of Motor Vehicles, State Police, and Department of Correction. Other officials and agencies such as county prosecutors and public defenders will also be able to use the system to manage their cases.

“The statewide case management system project is the single largest project ever undertaken by the Indiana judiciary,” Indiana Chief Justice Randall T. Shepard said. “We are convinced that it will greatly increase court efficiency and produce important public safety benefits. The commitment of these seven counties will go a long way toward a successful implementation of the new system.”

Computer Associates International, Inc., an inter-

national computer software and services firm, has been chosen as the vendor that will work with the Indiana judiciary to create and install the new case management system.

When all of the programming for the new system is complete, it will first be tested in a small county during early or mid 2004. After successful implementation in the test county, installation of the system will begin in the three pilot counties. We anticipate this to occur during mid 2004.

Clay County was selected as the test county because of its commitment to the project, readiness for the new system and relatively small caseload (8,500 new cases filed in 2002). Clay Circuit Court Judge Ernest E. Yelton will lead the project in Clay County. White County was selected as the first alternate test county based on the same criteria (there were 6,000 new cases filed in White County in 2002). White Superior Court Judge Robert B. Mrzlack will lead the project in White County.

Huntington and Morgan Counties were selected as pilot counties because of their commitment to the project, readiness for the new system, and their medium-sized caseloads (15,200 and 16,700, respectively, new cases filed in 2002). Huntington Superior Court Judge Jeffrey R. Heffelfinger will lead the project in Huntington County, and Morgan Superior Court Judge Christopher L.

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Burnham will lead the project in Morgan County. Knox and Johnson Counties were selected as first alternate test counties based on the same criteria (there were 14,400 and 27,800 new cases filed in Knox and Johnson Counties, respectively, in 2002). Knox Circuit Court Judge Sherry Biddinger Gregg will lead the project in Knox County, and Johnson Circuit Court Judge K. Mark Loyd will lead the project in Johnson County.

From the outset of the project, the Supreme Court and Marion County agreed that Marion County would be one of the three pilot counties. Marion County contains the State's busiest judicial system with over 395,000 new cases filed in 2002, approximately 21 percent of the statewide total. In Marion County the project is lead by Superior Court Presiding Judge Cale J. Bradford, County Clerk Doris Anne Sadler, and County Prosecutor Carl Brizzi. Many Marion County

employees have been deeply involved in the development of the new system for over one year, including employees of the Marion County Justice Agency headed by Executive Director Melinda Haag.

"Many judges, clerks, prosecutors, and others involved in the court and criminal justice system throughout the state are working hard to make the new statewide court case management system a success. With their help, I am confident that we can realize the Supreme Court's vision of equipping every Indiana court with a 21st century case management system and connecting those courts' case management systems with each other and with those who need and use court information," said Justice Sullivan.

For more information contact: Kurt Snyder, 317.234.2604 or visit the JTAC Website at www.IN.gov/judiciary/jtac.

Chief Justice Eulogizes Governor O'Bannon

Today's service proceeds not as simple eulogy, but as the Star said this morning, "an old-fashioned party, celebrating an uncommon life that was made both simple and grand by the power of love."

It is vintage O'Bannon, lifting up of scenes from the human drama to which we and Frank O'Bannon and millions of others have found connection. Children reciting the 23rd Psalm in English and Spanish. Music written for today to uplift the soul and some old favorites just right for an Irishman. Prayer to the Supreme Being whom we call by different names.

Messages from two chief executives, Evan Bayh, now a leader of our nation, and Governor Joe Kernan, who with our new First Lady Maggie Kernan, commands the confidence of all as the new bearer of that "splendid torch" about which Frank O'Bannon spoke almost



The Hon. Frank O'Bannon

seven years ago, and to whose successful administration we pledge our own support. And yes, Indiana's military and forces of public safety, under whose umbrella we flourish, and who in the present moment serve to remind us of the risk at home and overseas.

All this serves to illustrate the great flow of the human story in which we and the O'Bannon family have been playing our important if temporary parts.

"Life is a bridge to somewhere," Judy O'Bannon has said. "We know not where, but we do know that we are connected to things that are good, and real, and eternal." I say she's right.

Supreme Court Invites Comments to Proposed Rule Amendment on Access and Privacy of Judicial Records

A Supreme Court task force, chaired by Associate Justice Brent Dickson, has drafted comprehensive amendments to Indiana Administrative Rule 9 as it pertains to privacy and public access to court records. Interested individuals are encouraged to comment on the rule by January 16, 2004.

The proposed rule and its commentary may be viewed at <http://www.in.gov/judiciary/orders/rule-amendments/proposed.html>.

Justice Dickson, as the chair of the Indiana Supreme Court Records Management Committee, lead the task of convening a broad-based task force to review existing Indiana laws and make recommendations for amendments that would unify and clarify existing laws but also accommodate the growing use of electronic and digital technologies in judicial record keeping.

The task force was comprised of judges, representatives of the news media, court clerks, prosecutors, public defenders, the attorney general, representatives of victim advocates, and other interested organizations. As its guide, the task force used Indiana laws but also a model policy on public access and privacy of court records developed and endorsed by the national Conference of Chief Justices and Conference of State Court Administrators. The months of intensive, detailed work, by the task force completed a comprehensive proposed amendment to Indiana Administrative Rule 9. The

purpose of the amendment is to strike a balance between the need for open court records and judicial accountability and privacy concerns of litigants who are involved in litigation. The rule is based on the premise that court records are public unless the information is expressly declared confidential. The rule is also designed to be "user friendly" and encourages courts to adopt methods to enable the public to access records off-site and around the clock. It also specifies that certain identifying information, such as social security numbers, personal identification numbers, birth dates, and the addresses and telephone numbers of victims and witnesses, be kept confidential. "Our task force believes the proposed rule reflects the proper balance between the rights of privacy and the public's right, and ability, to access public court records," said Justice Dickson.

Please direct any comments to Ron Miller via e-mail at rmiller@courts.state.in.us or fax to 317.233.6586 or U.S. Mail to Ron Miller, Division of State Court Administration, at 115 W. Washington St., Ste. 1080, Indianapolis, Indiana 46204.

State Office of GAL/CASA Holds 7th State Conference

The state office of Guardians Ad Litem/Court-Appointed Special Advocates held the Seventh Annual Indiana State GAL/CASA Conference, entitled "Lighting the Way in The Life of a Child," on September 13, 2003, in Indianapolis. In all, over 400 people attended.

This year, for the first time, the annual GAL/CASA conference was attended by foster parents along with child welfare personnel from the Office of Family and Children and other organizations. Nineteen exhibitors from child placement agencies provided booths and supplied information to participants.

Conference workshops covered a variety of topics, including adolescent adoptions, effective decision mak-

ing, understanding poverty, helping children transition, developing a positive relationship between CASA and the Office of Family and Children, report writing, a legal update, and promotion of cultural diversity. There were also several panel discussions, including groups composed of judges and foster children.

The conference was funded in part by a grant from the National CASA Association.

Division To Develop Protective Order Forms

Indiana's protection order statutes charge the Division of State Court Administration with the responsibility of designing and updating the forms used in protection order proceedings.

To fulfill this duty, the Division has been working closely with the members of the Protection Order Committee of the Judicial Conference of Indiana.

In 2000, in response to a number of questions surrounding the protection order process in Indiana, the Supreme Court of Indiana established the Protection Order Committee through the Judicial Conference to explore ways to improve the process. Trial court judges, magistrates, and clerks of the circuit courts comprise the membership of the committee, and the Indiana Judicial Center and the Division staff the committee. The Honorable John Forcum, Judge of the Blackford Superior Court, chairs the committee, and the committee also has the assistance of Senior Judge Ruth Reichard, a nationally known expert in this very complex area of the law, as a consultant.

The committee has developed a comprehensive set of forms falling into three primary categories: (1) protection orders, (2) no-contact orders, and (3) workplace violence restraining orders. In 2003, the Indiana General Assembly enacted new legislation that required the committee to design new forms as well as to modify several of the existing forms.

During 2003, members of the committee directed their efforts in three main directions: (1) working with the Indiana General Assembly to enact modest, mainly technical, changes to existing protection order statutes; (2) designing new forms and modifying existing forms; and (3) developing a desk book on protection order procedures for clerks, magistrates, judges, and other interested persons. The committee hopes that the desk book will be completed in 2004.

Lewis Tabbed as Clerk of the Appellate Courts

On November 13, Governor Joe Kernan announced the appointment of David Lewis of Indianapolis as the next Clerk of the Supreme Court, Court of Appeals, and Tax Court. Lewis began his tenure as Clerk on November 24.

Lewis most recently served as the Central Indiana Regional Director for U.S. Senator Evan Bayh, where he was the Senator's liaison to 26 counties. Prior to that, he spent two years as deputy director in the Community Development Division of the Indiana Department of Commerce. He received his undergraduate degree in Legal Administration from Ball State University and has plans to complete a master's degree in Public Affairs through Indiana-Purdue University, Indianapolis.

Lewis succeeds Brian Bishop as the Clerk of the



Lewis is sworn in by Governor Kernan

Courts. Bishop resigned as Clerk in July to take a position with the United States Department of Justice. Since that time, Governor's Deputy Counsel Colleen McNeeney Shere has served as interim Clerk.

The Clerk of Courts is responsible for records filed with the Indiana Supreme Court, the Indiana Court of Appeals, and the Indiana Tax Court. The Clerk maintains the Roll of Attorneys, which is the official compilation of the all attorneys licensed to practice in the state of Indiana, and collects the annual registration fees required of all active Indiana attorneys.

2003 Annual Judicial Conference Sets Attendance Record

A record 463 attendees made this year's annual meeting of the Judicial Conference of Indiana the largest ever.

The conferee list at this year's meeting, held on September 10-12 at the Hyatt Regency in Indianapolis, included 278 trial court judges, 19 appellate judges, 50 magistrates, 21 commissioners and referees, 76 senior judges, 6 retired judges and 13 Supreme Court agency attorneys.

Highlighting the conference were opening remarks by Deborah Daniels, Assistant United States Attorney General for the Office of Justice Programs, sessions on

the future of court information and the role Indiana's new case management system will play, and educational sessions on dealing with the media.

The Judicial Conference of Indiana is comprised of all full-time judges, both trial and appellate, as voting members and, as non-voting members, all magistrates, senior judges, and retired judges who serve as special judges. The conference meets annually every September.

Commission on Courts Issues 2003 Recommendations

The Indiana General Assembly's principal judicial commission, the Commission on Courts, met twice in 2003.

During its first meeting, held on August 14, 2003, the Commission heard requests for and testimony regarding the need for additional judicial officers in Vigo, Howard, Hamilton, DeKalb, Madison, Perry, and Owen Counties. The Commission also reviewed a report by the Division of State Court Administration on the weighted caseload statistics for 2002 and heard testimony from Indiana Tax Court Judge Thomas Fisher on the need for a senior judge in the Tax Court, and testimony on judicial retirement benefits.

At its second meeting, held on September 25, 2003, the Commission heard requests for and testimony on the need for new courts in Dearborn and Montgomery counties, the need for changes in bankruptcy exemption levels, judicial pay raise, and costs of certified mail in court actions.

In its annual report, issued November 1, 2003, the Commission recommended the following to the General Assembly:

1. Additional courts for Vigo, Howard, Hamilton, DeKalb, Perry, Dearborn and Montgomery counties.
2. A new magistrate for Madison and Owen counties.
3. Statutory amendment to permit the Tax Court to utilize senior judges.

4. Judicial pay adjustment proposals.
5. Increasing bankruptcy exemption levels under I.C. 34-55-10.
6. Imposition of a \$10 service fee to offset costs incurred by counties for certified mail service in civil actions.
7. Proceeding with the judicial retirement benefits described in SB 429 (2003).

The Commission will make its recommendations to the General Assembly.

The Commission is a statutorily created bi-partisan body composed of members of the Senate, the House of Representatives, judges, county commissioners and some lay members. The Commission members are: Chair, Representative Robert Kuzman (Crown Point), Rep. Ryan Dvorak (South Bend), Rep. Ralph Ayres (Chesterton), Rep. Kathy Richardson (Noblesville), Sen. Richard Bray (Martinsville), Rep. David Long (Fort Wayne), Rep. John Broden (South Bend), Sen. Timothy Lanane (Anderson), Hon. Randall T. Shepard (Chief Justice), Hon. Ernest Yelton (Clay Circuit Court), Hon. Tim Curley (Vigo Superior Court), and David Lewis (Jeffersonville). Staff support for the Commission is provided by Andrew Roesener (counsel) and Mark Goodpaster (fiscal analyst).

New Faces at the Division

Two new employees at the Division of State Court Administration will handle daily administration of judges' and prosecutors' pay and benefits.

Jan Smith joined the Division in April 2003 as Accounts/Payroll Manager. In this position, she is responsible for daily administration of payroll and benefits for judges, magistrates, prosecutors, and state-paid deputy prosecutors. Jan received a Bachelor of Science degree from the University of South Dakota and a Masters of Business Administration from Morningside College. Prior to beginning with the Division, Jan was a corporate division controller for New Millennium Roofing in Indianapolis.

Valerie Brooks joined the Division in September 2003 as Benefits Manager/Fiscal Officer. Valerie will assist Jan Smith with payroll administration, but will contribute a special emphasis on benefits administration. With Valerie's expertise, the Division plans to offer detailed training and information to judges and prosecutors on benefits and pension options. Valerie holds a B.S. in Business Management from Indiana Wesleyan University. She comes to the Division after 12 years with Lincoln National Corporation of Fort Wayne, Indiana, where she most recently held the position of senior benefits consultant.

New staff attorney joins Division staff:

Camille Wiggins joined the Division as a staff attorney assisting the JTAC form standardization and a number of other special projects. She earned a Bachelor of Arts degree in English from Earlham College in 1986, and a Juris Doctorate from the University of Cincinnati College of Law in 1991. Prior to joining the Division, she worked as a contract attorney with Anthem, Inc. and as an attorney with the law firms of Ogletree, Deakins, Nash, Smoak & Stewart and Locke Reynolds. She also served for three years as a magistrate in the Court of Domestic Relations in Cincinnati, Ohio.

New Team Leader at JTAC:

Darren Burroughs joined the Division as a team leader with JTAC. He will assist in the development, implementation, and maintenance of the new statewide case management system. Darren earned a B.A. degree in Economics from Indiana University and a J.D. from Indiana University School of Law in Indianapolis. Before coming to the Division, Darren worked for National City Bank as a private client associate, as an information systems consultant for American Family Insurance, and as a public defender in the Marion County Public Defender Agency.

Carol Wilson is new *Help Desk Supervisor/Training Coordinator at JTAC*. In her new position, Carol will develop training materials and train users of the software and hardware of the state's case management system, develop metrics to monitor help desk responsiveness and success, troubleshoot end-users' computer-related problems, and manage the day-to-day operations of the help desk. She holds a B.A. in communication studies from Indiana University. Prior to joining the Division, Carol was a team captain for technical support for ACS, a contractor of the City of Indianapolis.

Natalie Auberry will be *Support Specialist at JTAC*. Natalie will assist the director and general counsel of JTAC, develop training materials, documents and forms, answer help desk calls, and troubleshoot end users' computer-related problems. She holds a B.A. in French from Indiana University and a J.D. from Indiana University School of Law in Indianapolis. Prior to her employment with the Division, Natalie worked as a judicial attorney with the Indiana Court of Appeals and as an associate attorney with the law firm of Cohen, Garelick & Glazier.

Standards and Guidelines for ADR Plans Finalized

The Domestic Relations Committee of the Indiana Judicial Conference, in conjunction with the Alternative Dispute Resolution Committee and the Juvenile Justice Improvement Committee, has developed standards and guidelines for implementation of an alternative dispute resolution (ADR) plan pursuant to Indiana Code 33-4-13-3.

The guidelines were developed to facilitate the implementation of this new law which enables local courts to start and fund domestic relations ADR programs. The Indiana Supreme Court had asked the Judicial Conference Domestic Relations Committee, in consultation with the Juvenile Justice Improvement and ADR Committees, to develop such standards and guidelines. The court also amended ADR 1.1 in order to accommodate these plans into the court-approved ADR programs.

Under this statute, counties that want to institute local ADR must submit a plan to the Indiana Judicial Conference and, pursuant to Rule 1.11 of the Rules of Alternative Dispute Resolution, must obtain plan approval from the Division of State Court Administration. Approval of an ADR fund plan is to be based upon compliance with these

standards and guidelines established by the Domestic Relations Committee.

Plans that don't fully comply with the standards and guidelines may be conditionally approved and counties will be given 60 days to make any necessary changes to comply with the standards and guidelines. Counties that initiate local ADR plans must keep statistical information about the cases and ADR programming they utilize and must submit an annual report to the Judicial Conference by December 31 of each year. The Domestic Relations Committee has developed a standard form that must be used for the annual report. The standards and guidelines and the annual report form are available at: www.state.in.us/judiciary/center/committees/dom_rel/adr/index.html.

Ask Jack—Foreign Judgments

(Each issue, Jack Stark, Director of Trial Court Services, will answer reader questions concerning matters of court administration or general reader interest. Should no interesting questions be presented, Jack will make up a question and answer it! Anyone with a question is invited to send it to Jack Stark, Division of State Court Administration, 115 West Washington Street, Suite 1080, Indianapolis, Indiana 46204, or e-mail it to jstark@courts.state.in.us.)

Question: I'm a trial court clerk. An individual has just filed a copy of a foreign judgment in my office. What is this and what do I do now?

Answer: The 2003 General Assembly enacted new provisions concerning the definition and enforcement of foreign judgments in HB 1102, codified at I.C. 34-6-2-48.3 and 34-54-11-1. Pursuant to that act, a foreign judgment is any judgment or decree or order of a court of the United States, a state other than Indiana that is entitled to the full faith and credit of Indiana. The term does not include a foreign protection order. The act provides that a "certified and exemplified" copy of a foreign judgment may be filed in the office of the clerk of any court of record in Indiana where the debtor resides or owns property, and where it will be subject to I.C. 34-55-9-2 (liens upon real estate and chattels real).

The \$3 document fee for recording a transcript of a judgment to become a lien on real estate prescribed by I.C. 33-19-6-3 is to be collected. Pursuant to I.C. 34-55-9-2, the clerk must enter the foreign judgment in the judgment docket and properly index it.

After filing, the clerk shall treat the foreign judgment "in the same manner as a judgment of an Indiana court."

New Indiana Code Section 34-54-11, "Enforcement of Foreign Judgments," provides for additional means for enforcement and does not replace existing statutes on the subject. The new provision provides, *inter alia*, that the judgment creditor filing the copy of the foreign judgment must file with it an affidavit setting forth the name and last known address of the debtor, and the name and last known address of the creditor. The judgment creditor must send notice of filing pursuant to the same process prescribed under Ind. Trial Rule 4 through 4.17 (rules governing the service of process). The notice must contain the names and addresses of the debtor and creditor, and the nature and amount of the creditor's claim under the foreign judgment. Execution or other process for the enforcement of a foreign judgment may not be issued earlier than 21 days after entry of judgment in the judgment's original jurisdiction. The debtor has 21 days after service of the notice to assert any defenses.

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Our goal is to foster communications, respond to concerns, and contribute to the spirit and pride that encompasses the work of all members of the judiciary around the state. We welcome your comments, suggestions and news. If you have an article, advertisement, announcement, or particular issue you would like to see in our publication, please contact us.

If you would like to receive this newsletter via e-mail, or by accessing our website, please send a message to dguthrie@courts.state.in.us to have your name added to our electronic list and removed from our hardcopy mailing list.

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This newsletter reports on important administrative matters. Please keep for future reference.

Indiana Court Times

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